

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

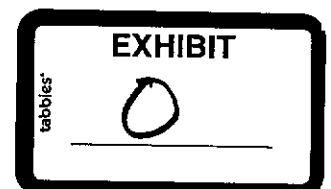
Michael Bies,)	
)	
Petitioner,)	
)	Case No.: CV-1-00-682
vs.)	
)	District Judge Susan J. Dlott
Margaret Bagley, Warden,)	Magistrate Judge Michael R. Merz
)	
Respondent.)	

AFFIDAVIT OF RANDALL L. PORTER, ESQUIRE

STATE OF OHIO :
 : SS:
COUNTY OF FRANKLIN :

Randall L. Porter, after being duly sworn according to law, states as follows:

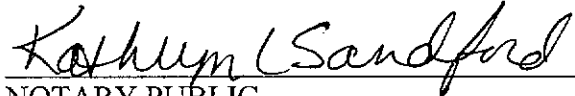
1. I am an attorney duly licensed to practice law in the State of Ohio.
2. I am employed by the Office of the Ohio Public Defender as an Assistant State Public Defender in the Death Penalty Division.
3. In that capacity I represent Michael Bies as co-counsel.
4. During the course of the federal habeas proceedings, I became aware that Dallas Hayes had been convicted of Gross Sexual Imposition of a Minor. I knew that Hayes was initially a suspect in the death of his stepbrother, Aaron Raines.
5. I arranged for a staff person from the Office of the Ohio Public Defender to copy the court file from Dallas Hayes Gross Sexual Imposition case
6. The court file contained the Court Clinic Competency and Insanity reports that were ordered by Judge Nurre.



Further affiant saith naught.


RANDALL L. PORTER

Sworn to and subscribed in my presence this 6th day of December, 2004.


NOTARY PUBLIC



KATHRYN L. SANDFORD, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.